

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

SHAWN WILLIAM CARMICHAEL,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0049

WESTERN REGIONAL JAIL;  
TRINITY (Kitchen Staff);  
WEST VIRGINIA DRC; and  
C. O. PRIESS,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny the Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1); dismiss the complaint (ECF No. 2), with prejudice, as it fails to state a viable claim; and remove this civil action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** the Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1); **DISMISSES** the complaint (ECF No. 2), with prejudice, as it fails to state a viable claim; and **REMOVES** this civil action from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 25, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE